

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MOODY W. TANKSLEY, No. CIV S-08-2881-CMK-P

Plaintiff,

VS.

## ORDER

CDC-SALINAS, et al.,

## Defendants.

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action with a complaint filed on November 26, 2008. Plaintiff then filed an amended complaint as of right on January 5, 2009. Plaintiff filed another amended complaint on January 15, 2009. Because Federal Rule of Civil Procedure permits only one amendment as of right, plaintiff's January 15, 2009, filing will be stricken. Plaintiff will, however, be permitted an opportunity to file a single new first amended complaint to incorporate all allegations set forth in the three pleadings outlined herein in a single pleading. If plaintiff does not do so within the time provided by this order, this action will proceed on the amended complaint filed on January 5, 2009.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The document filed on January 15 2009 (Doc. 13) is stricken; and  
3 2. Plaintiff may file a first amended complaint within 30 days of the date of  
4 this order.

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6 DATED: February 19, 2009

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8 CRAIG M. KELLISON  
9 UNITED STATES MAGISTRATE JUDGE